

REMARKS/ARGUMENTS**Status of the Claims**

In the Office Action mailed October 16, 2007, claims 1-17 are pending. Claims 1, 2 and 16 were rejected. Claims 3-15 and 17 have been objected to. The rejection is respectfully traversed. The Examiner is thanked for the time and courtesies extended during the telephone interview conducted with Applicant's undersigned representative and Mr. Robert Cohen on January 8, 2008.

The following remarks are believed to be fully responsive to the Office Action. All the pending claims at issue are believed to be patentable over the cited references. Reconsideration and withdrawal of the outstanding rejections are respectfully requested in view of the following remarks.

Interview Summary

During the aforementioned telephone interview, Applicant's representatives pointed out that Schaeffer fails to teach "a recess adapted to receive medicament from the reservoir when aligned with the dispensing port," as recited in claim 1. The Examiner agreed with Applicant's position and indicated that, pending the outcome of a further prior art search, he would issue an allowance of claim 1 and all claims dependent therefrom.

Claim Objections

The Examiner objected to claims 3-15 and 17 as being dependent upon a rejected base claim, but indicated that such claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Examiner is thanked for the indication of allowable subject matter. However, in light of the Examiner Interview and the arguments presented herein, the Applicant believes that all of the claims in the application are allowable

such that the amendment of these objected to claims is not warranted.

Claim Rejections - 35. U.S.C. §102(e)

Claims 1, 2 and 16 are rejected under 35. U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,065,471 to Schaeffer et al. (hereinafter "Schaeffer"). Applicant respectfully disagrees.

In the Official Action, the Examiner characterized aperture 8 of Schaeffer as the dispensing port of claim 1. As discussed and agreed to by the Examiner during the Examiner Interview, with this characterization, Schaeffer does not disclose or suggest "a recess adapted to receive medicament from the reservoir when aligned with the dispensing port," as recited in claim 1. (Emphasis added.) Rather, when the recess 22 of Schaeffer is aligned with aperture 8, the inhaler is in a position to dispense medicament through outlet 7, not receive medicament from reservoir 6.

Further, Schaeffer also fails to meet several other limitations recited in claim 1, including: "a linear channel communicating with the dispensing port and including a pressure relief port," or "a cup assembly movably received in the channel," among other limitations recited in claim 1.

In addition, Applicant notes that Schaeffer does not teach or suggest "a sealing spring biasing the first sealing surface against the reservoir," as recited in claim 2. As shown in Fig. 7 and described at column 4, lines 51-61, Schaeffer's spring 25 is disposed in a radial bore 23 within the dosing member 3 for biasing pawl 24 against shaft 13. It is therefore clear that spring 25 does not bias the first sealing surface against the reservoir as required by claim 2. This is another reason that claim 2 is believed to be allowable over Schaeffer. In view of the foregoing, Applicant submits that claim 1 and

claims 2 and 16, dependent therefrom, patentably distinguish over Schaeffer such as to warrant their immediate allowance.

CONCLUSION

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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